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6 **UNITED STATES DISTRICT COURT**

7 EASTERN DISTRICT OF CALIFORNIA
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9 KHAMPHEUY NAVONG,

Case No. 1:22-cv-01526-SAB

10 Plaintiff,

ORDER RE STIPULATION TO REMAND
REMOVED ACTION

11 v.

(ECF No. 14)

12 HOME DEPOT U.S.A., INC., et al.,

13 Defendants.

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15 Plaintiff initiated this action in the Tulare County Superior Court on October 19, 2022,
16 entitled Khampheuy Navong v. Home Depot U.S.A., Inc., et al., Case No. VCU293830. On
17 November 23, 2022, Defendants removed the action to federal court. An initial scheduling
18 conference is currently set for March 28, 2023. (ECF No. 11.) On January 17, 2023, Plaintiff
19 filed a motion to amend. (ECF No. 9.)

20 Currently before the Court is the parties' stipulation to remand this action to the Tulare
21 County Superior Court, filed on January 30, 2023.¹ (ECF No. 14.) The parties stipulate that any
22 employees involved in the incident were acting in the course and scope of their employment at
23 the time of the incident and that Plaintiff will not sue any current or former Home Depot
24 employees. The parties further stipulate that, upon remand, Plaintiff will dismiss the proposed
25 amendment to the complaint and will not add any other party to the complaint prior to
26 conducting discovery in this action. Finally, the parties stipulate to bear their own attorney's
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¹ The parties have consented to the jurisdiction of the United States Magistrate Judge and this action has been
assigned to Magistrate Judge Stanley A. Boone for all purposes. (ECF Nos. 16, 18, 19.)

1 fees and costs with respect to the removal and subsequent remand of this action.

2 Accordingly, pursuant to the stipulation of the parties and good cause appearing, IT IS
3 HEREBY ORDERED that:

IT IS SO ORDERED.

Dated: **January 31, 2023**

Jerry A. Bae
UNITED STATES MAGISTRATE JUDGE